

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WALLACE ROSS</b>	:	<b>CIVIL ACTION</b>
<i>Petitioner</i>	:	
	:	
<b>v.</b>	:	<b>NO. 19-4663</b>
	:	
<b>JUDGE DANIEL MCCAFFERY, et</b>	:	
<i>al.,</i>	:	
<i>Respondents</i>	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of January 2020, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation, (“R&R”) of Thomas J. Rueter, United States Magistrate Judge, [ECF 7], and Petitioner’s objections thereto, [ECF 8], it is hereby **ORDERED** that because the claims are premature and have not been exhausted in state court:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **SUMMARILY DISMISSED**;
2. Petitioner’s claims are **DISMISSED WITHOUT PREJUDICE**,  
as unexhausted in the state courts; and
3. A certificate of appealability is not granted.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*